

MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 SOUTH IH35
AUSTIN, TX 78741
May 23, 2012 — 1:00 PM

Call to Order. Committee Chair James “Jim” Greer, P.E., called the Licensing Committee meeting to order at 1:05 p.m., on May 23, 2012, at the Texas Board of Professional Engineers, (TBPE) 1917 South Interstate 35, Austin, Texas. (Note: All votes are unanimous unless otherwise indicated.)

1. Roll call and welcome visitors.

Jim Greer, P.E.	Chair
Carry A. Baker	Member
Bobby Balli, P.E.	Member
Govind Nadkarni, P.E.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel. Mr. Edmundo Gonzalez, Jr., P.E., Emeritus Board Member was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Pipho, MPA	Deputy Executive Director
David Howell, P.E.	Director of Licensing
Dewey Helmcamp, III, JD	Staff Attorney
Shannon Velazquez	Licensing Specialist
Dorothy Gonzales	Executive Assistant

Visitors. Terry Bilderbeck, Texas Society of Professional Engineers (TSPE); Dr. Nancy-Ellen Soteriou, Texas Department of Transportation (TxDOT); Terry Sams, TXDOT.

Personal Appearances. Miguel Ayala, Brandon Carter, Chad Cormack, Eric Galindo, Christopher Hussar, William Kraner, Bradford O'Donnell, Zachary Schneider, Dillon Shuler, Samuel Zamora, Tim Austin, Jason Barber, Derrick Laskowski, Brian Wright

2. Public comment. None.

Agenda item #6 was taken out of order, see below.

3. Discuss and possibly approve the February 15, 2012, Licensing Committee Minutes.

It was MOVED/SECONDED (Ballí/Nadkarni) to consider the February 15, 2012, Licensing Committee Minutes at the Regular Quarterly Board meetings on May 24, 2012, for approval. The Committee members agreed that more Licensing Committee members that attended the February meeting were now present and could approve the minutes. A vote was taken and the MOTION PASSED.

4. Discuss and possibly accept the March 2, 2011, Education Advisory Committee Minutes.

It was MOVED/SECONDED (Ballí/Nadkarni) to accept the March 2, 2011, Education Advisory Committee Minutes. A vote was taken and the MOTION PASSED.

5. **Update on the March 23, 2012, Education Advisory Committee Meeting.**

Mr. Howell reported that Education Advisory Committee (EAC) was very informative and productive. The deans had two action items to be presented to the Board. One was to consider support of changes to the Engineering Act in reference to faculty licensure; the Act does not allow teaching to count towards licensure experience; a Task Force was set-up at the joint meeting to work on this suggestion. The second item is to consider funding the printing of a poster that communicates the value of engineering licensure.

6. **Discuss and possibly act on applications for licensure: Personal Interviews.**

Mr. Greer read the following statement to all the applicants, and mentioned that all actions by the Committee are recommendations to the full Board.

It is one of the primary obligations of the Texas Board of Professional Engineers to assure that Texas engineers are held to the highest standards of competency, integrity, and honesty. Public safety depends upon that standard and consistently achieving in our profession requires faithful and unwavering practice of honesty and integrity in all aspects of our lives not only when we sit at our desk.

Miguel Ayala. This applicant appeared before the Licensing Committee in February 2012. He applied to take the PE exam. His application was referred to the committee by staff for criminal history. Mr. Ayala addressed the Committee and was remorseful and took full responsibility for his actions. He shared with the Committee all the changes he has made in his life.

It was MOVED/SECONDED (Ballí/Nadkarni) to recommend to the Board to allow Mr. Ayala to take the PE exam in October. A vote was taken and the MOTION PASSED.

Brandon Carter. This applicant appeared before the Licensing Committee in February 2012. He applied to take the PE exam. His application was referred to the committee by staff for criminal history. Mr. Carter addressed the Committee and commented that the last time he came before the committee, he neglected to include information regarding his 2007 incident. He explained to the Committee that it was not intentional, and he realizes how serious his actions were. He asked to Committee for an opportunity to take the PE exam. Mrs. Baker explained the importance of the Board having accurate information and recommended that the applicant needs to take his time when completing important documents. Mr. Ballí commented to all the applicants that he hopes all the applicants take this experience and turn it into something positive to share with the community.

It was MOVED/SECONDED (Nadkarni/Ballí) to recommend to the Board to allow Mr. Carter to take the PE exam in October. A vote was taken and the MOTION PASSED.

Jason Barber. This applicant is seeking licensure in Texas. His application was referred to the committee by staff for criminal history. He is licensed in other states. Mr. Barber addressed the Committee and shared his experience and lessons learned from his criminal conviction. He stated that he appreciated the Board's attention to these incidents and understands they are protecting the health, safety, and welfare of the people. Committee members commented that they appreciate Mr. Barber taking the time and being well prepared.

It was MOVED/SECONDED (Ballí/Baker) to recommend to the Board to allow Mr. Barber to be licensed in Texas. A vote was taken and the MOTION PASSED.

Chad Cormack. This applicant applied to take the PE exam. His application was referred to the committee by staff for criminal history. Mr. Cormack read a prepared statement to the Committee. He shared his experience and lessons learned from his criminal conviction. He added that he was informed by Mr. Howell that due to the short time occurrence of his criminal conviction, he may not be approved to take the PE exam. Mr. Cormack read a statement prepared by his attorney which mentions that Mr. Cormack has completed all court requirements, and submission for dismissal has been considered. The applicant was remorseful and takes full responsibility for all his actions. He also submitted three additional references. Mrs. Baker explained a motion

to dismiss and an order to dismiss, and she added that the records show that Mr. Cormack's case is still pending until all court requirements are met.

It was MOVED/SECONDED (Nadkarni/Baker) to recommend to the Board at its Regular Quarterly meeting on May 24, 2012, to defer Mr. Cormack's application until all court requirements are completed, once completed, he is to appear at the next scheduled Licensing Committee. A vote was taken and the MOTION PASSED.

Mr. Cormack should submit updated information including new references. Mr. Howell will be communicating with the applicant.

Eric Galindo. This applicant applied to take the PE exam. His application was referred to the committee by staff for criminal history. Mr. Galindo addressed the Committee and shared his experience and lessons learned from his actions. He stated that he was remorseful and took full responsibility for all his actions. He shared his work experience. He added that he changed his environment, got married, and is starting a family.

It was MOVED/SECONDED (Nadkarni/Ballí) to recommend to the Board at its Regular Quarterly meeting on May 24, 2012, to allow Mr. Galindo to take the PE exam. A vote was taken and the MOTION PASSED. A vote was taken, and the MOTION PASSED.

Christopher Hussar. This applicant applied to take the PE exam. His application was referred to the committee by staff for criminal history. Mr. Hussar addressed the Committee and shared his experience and lessons learned from his actions

It was MOVED/SECONDED (Nadkarni/Balli) to recommend to the Board at its Regular Quarterly Board meeting to allow Mr. Hussar to take the PE exam. A vote was taken and the MOTION PASSED.

William Kraner. This applicant applied for licensure in Texas. He is licensed in Arkansas and five other states. He has passed the FE and PE exams. His application was referred to the committee by staff for criminal history. Mr. Kraner addressed the Committee and shared his experience and lessons learned from his actions. He added that he changed his environment, matured, and takes full responsibility for his actions. He has completed all the court requirements.

It was MOVED/SECONDED (Balli/Nadkarni) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to approve Mr. Kraner to be licensed in Texas. A vote was taken and the MOTION PASSED.

Bradford O'Donnell. This applicant applied to take the PE Exam. His application was referred to the committee by staff for criminal history. Mr. O'Donnell addressed the Committee and shared his experience and changes he has made in his life due to his actions. He stated that he takes full responsibility for his actions. He has completed all the court requirements.

It was MOVED/SECONDED (Balli/Baker) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to allow Mr. O'Donnell to take the PE exam. A vote was taken and the MOTION PASSED.

Zachary Schneider. This applicant applied for licensure in Texas. His application was referred to the committee by staff for criminal history. Mr. Schneider addressed the Committee and shared his 2008 incident. He stated that he accepts full responsibility for all his actions. He explained that he is greatly thankful that he did not injury anyone else and described changes he has made in his life since that time. He has completed his court requirements. He is licensed in Kentucky.

It was MOVED/SECONDED (Nadkarni/Baker) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to allow Mr. Schneider to be licensed in Texas. A vote was taken and the MOTION PASSED.

Dillon Shuler. This applicant applied to take the PE exam. His application was referred to the committee by staff for criminal history. Mr. Shuler addressed the Committee and shared his experience and lessons learned

from his incident. He has completed all court requirements. He stated that he accepts full responsibility for all his action, that he has changed his environment and is making better decisions.

It was MOVED/SECONDED (Nadkarni/Baker) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to allow Mr. Shuler to take the PE exam. A vote was taken and the MOTION PASSED.

Samuel Zamora. This applicant applied to take the PE exam with a waiver of the FE exam. His application was referred to the committee by staff for criminal history. Mr. Zamora addressed the Committee and shared his experience and lessons learned from his incident. He stated that he accepts full responsibility for all his actions. He added that he has matured personally and spiritually and is getting married in September.

It was MOVED/SECONDED (Ballí/Baker) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to allow Mr. Zamora to take the PE exam, and waiver of the FE exam. A vote was taken and the MOTION PASSED.

Tim Austin. This applicant applied to take the PE exam. He has passed the FE exam. His application was referred to the committee by staff for criminal history. Mr. Austin addressed the Committee and shared his experience and lessons learned from his incidents. He has completed all court requirements. He has been employed with TxDOT for 13 years. He is married, has a family, and doesn't drink. He admits to not checking the box on the application form indicating criminal incidents in his record. Mr. Ballí commented that he has numerous positive references. The Committee's concern is that Mr. Austin's responses to his incidents on the application show that he did not accept responsibility for his actions. Mr. Austin responded that he was ashamed and embarrassed of his past.

It was MOVED/SECONDED (Ballí/Nadkarni) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to require Mr. Austin to take and successfully pass the 30 hour ethics course offered through the National Institute of Engineering Ethics at Texas Tech, and once he has completed and passed the course, that he appear before the November Licensing Committee meeting to be considered to take the PE exam in April 2013.

The Committee members discussed the length of the ethics course, and unanimously agreed that it should be the 60 hour ethics course so that the applicant can learn the responsibility of being a professional engineer. The initial motion was amended to lengthen the ethics course requirement, see amended motion below.

It was MOVED/SECONDED (Ballí/Nadkarni) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to require Mr. Austin to take and successfully pass the 60 hour ethics course offered through the National Institute of Engineering Ethics at Texas Tech, and once he has completed and passed the course, he appear no sooner than the November Licensing Committee meeting to be considered to take the PE exam in April 2013. A vote was taken and the MOTION PASSED.

The Committee Chair called for a recess at 3:02 pm.

The Committee reconvened at 3:11 pm

Derrick Laskowski. This applicant applied to take the PE exam. His application was referred to the committee by staff for criminal history. Mr. Laskowski shared his experience and lessons learned from his incident. He added that the incident was while he was in high school. He accepted full responsibility and initiated action by taking classes and doing community projects. He explained that he has changed his ways and matured. He stated that he answered no on the application because he believed that after 10 years, it would not be on his record. He sincerely apologized and cannot explain where he got this information.

It was MOVED/SECONDED (Ballí/Baker) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to require Mr. Laskowski to take the 30 hour ethics course offered by the National Institute of Engineering Ethics at Texas Tech, and successfully complete it, and provide documentation to Mr. Howell, after which he will be allowed to take the PE exam. A vote was taken and the MOTION PASSED.

Brian Wright. This applicant applied to take the PE exam. His application was referred to the committee by staff for criminal history. He submitted additional documentation to show the Committee that he has

completed all court requirements. Ms. Mohan, Assistant Attorney General for the Board commented that the Committee/Board will not take into consideration any convictions prior to the age of 18. Mr. Wright thanked the Committee and shared that this has been a very humbling experience and brought back several memories. He stated that he realized that accepting responsibility, and holding himself to very high level of personal integrity is very important in the engineering profession. He added that he fully understands that inappropriate behavior and stepping out of line is unacceptable by the Board and/or the profession. Mr. Wright read a statement to the Committee outlining his education, work experience, and changes he made in his life.

It was MOVED/SECONDED (Ballí/Baker) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to require Mr. Wright to take the 30 hour ethics course offered by the National Institute of Engineering Ethics at Texas Tech, and successfully complete it, provide documentation to Mr. Howell of successfully completing the ethics course, then be allowed to take the PE exam.

The Committee discussed Mr. Wright's situation, and Mr. Ballí offered the following amendment to the motion:

It was MOVED/SECONDED (Ballí/) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to require Mr. Wright to take the 30 hour ethics course offered by the National Institute of Engineering Ethics at Texas Tech, and successfully complete it, return to the next scheduled Licensing Committee before the April exam to discuss with the Committee what he has learned. Mrs. Baker commented that there has been sufficient time since his infractions to today's date and respectfully disagrees. MOTION FAILS due to no second.

Mr. Greer asked the applicant to share what his experience was, and what he learned. Mr. Wright commented that he clearly understood what the consequences are, and clearly understands through his maturity how his actions affect others and what he needs to do to prevent those actions. The committee voted on the previous motion.

A vote was taken, and the MOTION PASSED 3 to 1. Mr. Nadkarni voted against the motion.

7. **Discuss and possibly act on the following proposed rule change(s) in accordance with the Texas Board of Professional Engineers' 4 year Rule.**

Mr. Helmcamp addressed the Committee and informed them that the rules were reviewed in accordance with the 4-year rule review required by every state agency. He added that this would be a two-step process. First the Committee would be asked for a recommendation to re-adopt the chapters as written, then the proposed changes would be considered and the Committee could recommend to the Board to approve the proposed changes to be posted in the Texas Register for comment. The chapters presented for adoption as written are Chapter 133: Licensing, and Chapter 135: Firm Registration.

It was MOVED/SECONDED (Ballí/Nadkarni) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to adopt Chapters 133: Licensing, and Chapter 135: Firm Registration as presented. A vote was taken and the MOTION PASSED.

Mr. Howell discussed the following proposed rule changes:

- **Subchapter F: Administration**
 - **§131.81—Definitions.** Proposed change is to change TAC ABET to ETAC ABET to comply with the new name change for the Engineering Technology Accrediting Council of ABET.
- **Chapter 133: Licensing**
 - **§133.21 – Applications for Standard License.** Proposed change is to delete TSE (Test Spoken English) from the rule because it no longer exists; required grade change; and add internet test score.
 - **§133.23 – Applications from Former Standard License Holders.** Proposed change is to correct rule by reference §133.85 should be §133.35.
 - **§133.27 – Application for Temporary License for Engineers Currently Licensed Outside the United States.** Proposed change is to delete the TSE reference.
 - **§133.31—Educational Requirement for Applicants.** Proposed change is to change name related to ETAC ABET.
 - **§133.33—Proof of Educational Qualifications-Non-Accredited/Non-Approved**

Programs. Proposed change is to change name related to ETAC ABET.

- **§133.61 – Engineering Examinations required for a License to Practice as a Professional Engineer.** Proposed change is to update rule to be current with practice regarding exams and NCEES.
- **§133.65—Examination on the Fundamentals of Engineering.** Proposed change is related to name change to ETAC ABET; changed definition related to regular semester full-time enrollment;

It was MOVED/SECONDED (Ballí/Nadkarni) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to approved the proposed rule changes to §§133.21, 133.23, 133.27, 133.31, 133.33, 133.61, 133.65 as presented, and to be posted in the Texas Register for comment. A vote was taken and the MOTION PASSED.

8. **Licensing Director's Report.** Mr. Kinney commended the Licensing team for all their hard work.

- **Reports.**

- Software Engineer Update. Mr. Howell reported that NCEES has sent out a memo regarding Software Engineering PE exam being implemented in April 2013, and this information will be sent to all practicing Software Engineers and all TBPE Advisory Committees, spreading the word as much as possible. This information will be shared with the MBAs at the NCEES National meeting in August 2012. Mr. Kinney and Mr. Howell are involved with the Licensing Consortium.
- Results and statistics: Application and Examination Report. Mr. Howell reviewed the report with the Committee members.
- Licensing report. Mr. Howell reported on positive feedback submitted for personnel and/or online licensing process. The mechanics of the online process has been made easier for the applicants and is greatly appreciated. Process improvement continues.

9. Issues for consideration and schedule next meeting.

More information on Firm Registration and sole proprietorship (can PE register once instead of twice).

Chairman Greer adjourned the meeting at 4:36 pm.

Date Committee approved minutes as submitted:

August 15, 2012

Date Board approved the minutes:

August 16, 2012